REMARKS

Claims 1-15 remain pending in the case. Claims 1, 6, 11 and 14 have been amended. No new matter has been added.

103 Rejections

<u>Claims 1-15</u>

Claims 1, 3-6, 8-11, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benitez et al. U.S. Patent No. 6,189,141 B1 (referred to hereinafter as "Benitez") in view of "Unix Programming Frequently Asked Questions –1. Process Control" (referred to hereinafter as "Unix"). Applicants have reviewed the cited references and the instant application and respectfully assert that the claimed embodiments of the present invention are neither taught nor suggested by Benitez nor Unix, alone or in combination.

Amended independent Claim 1 recites,
"A computer-implemented method of reverting a process in an in-line instrumented state to an uninstrumented state, said method comprising:
receiving a child process having inherited an instrumented parent process' context including the parent's program text that may have been modified by instrumentation;
modifying selected text segment portions from said child process;
unmapping instrumented code space such that said instrumented code space is inaccessible to said child process;
provided an instruction pointer resides in said instrumented code space, updating said instruction pointer to uninstrumented code space; and
executing said process and, provided said child process generates a fault by seeking to access an address in instrumented code space, providing a corresponding address in said uninstrumented code space, wherein the unmapping of the instrumented code space results in the generation of the fault."

Support for the amendment to Claim 1 can be found on page 13 lines 10 and 11 which read "faults generated by seeking to access the now unmapped instrumented code space," among other places.

Applicants respectfully submit that neither Benitez nor Unix, alone or in combination, teach or suggest "receiving a child process having inherited an instrumented parent process' context including the parent's program text that may have been modified by instrumentation... unmapping instrumented code space such that said instrumented code space is inaccessible to said child process ... provided said child process generates a fault by seeking to access an address in instrumented code... wherein the unmapping of the instrumented code space results in the generation of the fault," as recited by Claim 1.

For example, the Office Action states on page 3, "Benitez does not explicitly disclose that said process generates the fault by seeking to access an address in instrumented code space." The Office Action goes on to assert that "It would have been obvious to a person of ordinary skill in the art at the time of the invention to raise a fault..." Therefore, the Office Action admits that Benitez does not teach "provided said child process generates a fault by seeking to access an address in instrumented code," as recited by Claim 1. Further, the Office Action does not assert that Unix teaches "provided said child process generates a fault by seeking to access an address in instrumented code." Applicants respectfully disagree with the Office Action's assertion that "It would have been

obvious to a person of ordinary skill in the art at the time of the invention to raise

a fault..." because there was a long felt but unresolved need and also because

others, such as Benitez and Unix, failed to recognize the problem.

The Office Action states at the bottom of page 3 and continuing onto page
4,

> Further, Benitez does not explicitly disclose receiving a child process
> having inherited an instrumented parent process' context but does
> disclose receiving new processes (col. 23, lines 19-20 'creates a record in
> table 222 ... if a record does not already exist'). Unix teaches a child
> process having inherited an instrumented parent process' context
> including a parent's program text that may have been modified by
> instrumentation (pg. 1, 'The fork () function is used to create new process
> from an existing process'). It would have been obvious to a person of
> ordinary skill in the art at the time of the invention to submit any newly
> created child process to Benitez' 'Cold Block Remover' (col. 27, lines 49-51)
> because 'A hot trace is a trace through which control ... has passed more
> than a predetermined number of times (col. 2, line 41-44).

Therefore, the Office Action admits that neither Benitez nor Unix actually teaches

"receiving a child process having inherited an instrumented parent process'

context including the parent's program text that may have been modified by

instrumentation." Applicants disagree with the Office Action's assertion that "It

would have been obvious to a person of ordinary skill in the art at the time of the

invention to submit any newly created child process to Benitez' 'Cold Block

Remover'" because there was a long felt but unresolved need and also because

others, such as Benitez and Unix, failed to recognize the problem.

Further, Applicants want to point out that at the bottom of the Unix

reference, which as provided by the USPTO, shows a date of "12/21/2005." The

instant Application (10/017,342) was filed on December 13, 2001, more than 4 years before the date that appears on the Unix reference. Therefore, Applicants traverse the 103 rejection because it appears that Unix is not prior art.

Claims 6 and 11 should be allowable for similar reasons that Claim 1 should be allowable. Because Claims 2-5 depend from Claim 1, Claims 7-10 depend from Claim 6 , and Claims 12-15 depend from Claim 11 and contain additional limitations that are patentably distinguishable over Benitez and Unix, these dependent claims are also considered patentable over Benitez in view of Unix. Therefore, Applicants respectfully submit that the basis for rejecting Claims 2-5, 7-10, and 12 - 15 under 103(a) is traversed.

CONCLUSION

In light of the above remarks, Applicant respectfully requests reconsideration of the rejected Claims 1-15.

Based on the argument presented above, Applicant respectfully asserts that Claims 1 through 15 overcome the rejections of record and, therefore, allowance of these Claims is respectfully solicited.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

WAGNER, MURABITO & HAO LLP

Date: 2/15/06

John P. Wagner Jr.
Reg. No. 35,398

Two North Market Street
Third Floor
San Jose, California 95113
(408) 938-9060